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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,184	12/14/2001	Yang-Pioung Kim	946,038	1088
7590	12/27/2006			
John S. Egbert Harrison & Egbert 7th Floor 412 Main Street Houston, TX 77002			EXAMINER JACKSON, MONIQUE R	
			ART UNIT	PAPER NUMBER
			1773	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/27/2006	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/022,184

Applicant(s)

KIM, YANG-PIOUNG

Examiner

Monique R. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 12/6/06 has been entered. Claims 11 and 12 are pending in the application.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hein, III et al (USPN 5,542,529) alone or in view of Whyzmuzis et al (USPN 5,523,335) or Murphy (USPN 4,483,712) or Miyamoto et al (USPN 5,656,701) for the reasons recited in the prior office action dated 7/27/05 and restated below.

Hein et al teach a high barrier packaging material comprising a core of aluminum metallized polyethylene terephthalate, an ink layer on the metallized and/or unmetallized side of the PET core and outer transparent heat seal layers which are preferably polyesters such as PET, wherein the ink layer may be formed on both sides of the metallized PET core, the entire surface of which may be covered by transparent or opaque (*i.e.* "light protecting") inks of various colors (Abstract; Col. 5, lines 1-7; Col. 7, line 19-Col. 8, line 19; Col. 8, lines 30-47.) Hence, Hein et al

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teach the following packaging structure: transparent PET heat seal/opaque ink layer/metallized PET/opaque ink layer/transparent PET heat seal with no other layers therebetween which is equivalent to the instantly claimed structure of transparent PET/adhesive layer/aluminum metallized PET/ink layer/hot melt layer wherein one of the opaque ink layers reads upon the colored adhesive layer directly applied to the aluminum-deposited PET film and the two outer transparent PET heat seal layers read upon the transparent PET layer overlaying the adhesive layer and the hot melt layer on the ink layer of the instantly claimed invention. Though Hein et al specifically teach that a yellow ink layer can be printed on the entire surface of the metallized PET core or other colors may be utilized with various inks listed in the examples, Hein et al do not specifically teach the use of white ink layers over the entire surface. However considering Hein et al teach that various colored opaque inks may be utilized, one skilled in the art at the time of the invention would have been motivated to utilize white ink layers, an obvious species of colored opaque ink, in the invention taught by Hein et al wherein a white ink layer over the entire surface of the metallized PET would function as an adhesive layer between the metallized PET and the outer transparent PET heat seal and hence reads upon the broad limitation “adhesive”. Further, though Hein et al do not specifically teach that the ink compositions are “two-component” adhesives of white color as instantly claimed, the Examiner takes the position that a white opaque ink layer would read upon the instantly claimed “two-component adhesive of white color” considering the ink layer would be formulated from a binder material (*first component*) and a pigment (*second component*), in this case, a white pigment. Alternatively, one having ordinary skill in the art at the time of the invention would have been motivated to utilize any conventional laminating ink composition wherein two-part or two-component laminating

inks are known to provide excellent adhesion and printing on plastic films such as PET films as taught by Whyzmuzis et al or Murphy or Miyamoto et al, wherein the two-component laminating adhesives may comprise pigments of various colors including white pigments.

Response to Arguments

4. Applicant's remarks and arguments filed 12/6/06 have been fully considered but they are not persuasive. The Applicant first comments that the claims of the 12/6/06 amendment correspond to the claims as they were previously presented and are now in better form for appeal. As the Applicant has requested, the present action is a final rejection considering the claims are drawn to the same prior invention and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered earlier. Next, the Applicant presents two related foreign patents and contends that review of the patented subject matter of these corresponding foreign documents may provide insight and guidance in considering allowable subject matter in the present U.S. application. However, the Examiner does not find these documents persuasive. Hence, considering the Applicant has not provided any additional arguments to rebut the Examiner's position and remarks in the office action dated 7/27/05 in response to Applicant's original arguments dated 7/1/05 regarding the obviousness rejection over Hein et al, the Examiner maintains her position that the instantly claimed invention is unpatentable over the teachings of Hein et al for the reasons recited above.

5. This is an RCE of applicant's application wherein all the claims are drawn to the same invention claimed earlier and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS**

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ACTION IS MADE FINAL even though it is a first action in this case. See MPEP § 706.07(b).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

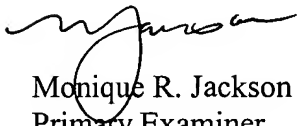
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Monique R. Jackson
Primary Examiner
Technology Center 1700
December 21, 2006